

DOCKET NO: 267653US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KIMIYASU SATOH, ET AL. : EXAMINER: CHOWDHURY, A.
SERIAL NO: 10/537,417 :
FILED: JUNE 2, 2005 : GROUP ART UNIT: 2629
FOR: INPUT DEVICE, PORTABLE :
ELECTRONIC APPARATUS, REMOTE :
CONTROL DEVICE, AND :
PIEZOELECTRIC ACTUATOR :
DRIVING/CONTROLLING METHOD IN :
INPUT DEVICE

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner to invoke his supervisory authority to require the Examiner to consider the references cited in the Information Disclosure Statement (IDS) filed on June 2, 2005.

In the Official Action dated September 25, 2007, the Examiner indicated on page 2 that the JP references filed in the June 2, 2005 IDS were not considered since no English translations for the cited documents were provided. In response, the Amendment filed December 26, 2007 argues that “references AO-AS as listed on the 1449 form of the IDS filed on June 2, 2005 should have been considered by the Office. In the cover sheet for the 1449 form, Applicants indicated that ‘copies of the listed references are attached, where required, as are either statement of relevancy ...’. In this case, the statement of relevancy was the PCT search report that identified the respective references as all being “A” references,

namely ‘document defining the general state of the art which is not considered to be of particular relevance’. Thus, as Applicants did file a statement of relevance for each of the JP references cited in the IDS form, Applicants request that the Office consider each of the JP references and provide an updated 1449 form, indicating that the Examiner has considered these references.” In response, the subsequent Office Action dated March 26, 2008 merely states again that the references were not considered because English translations were not provided.

Again, when information listed on a Form 1449 is not in the English language, an English-language version of a search report noting the references may function as a statement of the relevancy for the references.¹ Further, as explained in MPEP § 609.05(b), if no translation is submitted, the examiner will consider the information in view of the concise explanation as far as it is understood on face; e.g., drawings, chemical formulas, English language abstract, in the same manner that non-English language information in office search files is considered by examiners in conducting searches. (emphasis added)

As this application has been allowed, an early consideration of this Petition is respectfully requested.

Accordingly, it is respectfully submitted that this Petition under 37 C.F.R. §1.181 be granted and that the Examiner consider the Information Disclosure Statement filed June 2, 2005, and the reference cited therein.

¹ See MPEP § 609, page 600-153 to 600-154.

Although Applicant does not believe that any fee is required for the present petition,
any required fee should be charged to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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